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Poindexter takes the 5th before panel

Ex-NSC chief is 2nd to refuse to answer queries in Iran case

By Nancy J. Schwerzler
Washington Bureau of The Sun

WASHINGTON — Vice Adm. John M. Poindexter, President Reagan's former national security adviser, refused yesterday to answer questions posed by a Senate inquiry panel on the grounds that his answers might incriminate him.

Admiral Poindexter, who was accompanied by two lawyers during his hourlong appearance before the secret session of the committee, became the second known witness to claim his constitutional right against self-incrimination in the Senate Select Committee on Intelligence probe of the secret transfer of U.S. arms to Iran and the diversion of funds from the arms transactions to the "contra" rebels of Nicaragua.

Members of the committee acknowledged yesterday that Marine Lt. Col. Oliver L. North, who appeared Monday, also had claimed his Fifth Amendment rights and refused to answer questions. But committee leaders insisted that the refusal to testify by two key witnesses — named by Attorney General Edwin W. Meese III as having knowledge of the diversion of the secret funds — would not impede the Senate inquiry.

Also yesterday, committee members acknowledged that they were considering granting immunity to witnesses in an effort to compel testimony, but those discussions were characterized as preliminary and unclear in both the legal and investigative implications that a grant of immunity might entail.

In addition, tensions flared up within the committee as one panel member, Sen. Ernest F. Hollings, D-S.C., insisted that President Reagan, despite his denials, "knew it all" about the diversion of funds to the contras, and the committee chairman, Sen. David F. Durenberger, R-Minn., angrily suggested that Mr. Hollings "get off the committee."

Admiral Poindexter appeared yesterday under a subpoena issued by the committee after a brief meeting with panel leaders Tuesday, when he asked for more time to prepare for his appearance. But yesterday, acting on the advice of his lawyers, he refused to answer questions.

Richard W. Beckler, his attorney, said after the session that "I would be doing a disservice unless I advised my client to invoke his rights under the Fifth Amendment" because "there has been a request for an independent counsel to be appointed" to conduct a criminal investigation of the arms shipments and diversion of funds.

Sen. Patrick J. Leahy, D-Vt., vice chairman of the intelligence panel, said the mood in the committee room during Admiral Poindexter's appearance was "very formal" and the lawmakers were chagrined, but not excessively concerned, by the refusal to testify.

"I'm disappointed that the admiral did not testify and Colonel North did not," Mr. Leahy said. Nevertheless, "we will piece together the answers to the questions we have with or without Admiral Poindexter and with or without Oliver North."

Mr. Durenberger said the committee had been planning to "go higher anyway" than Admiral Poindexter in summoning witnesses. Earlier, he had said the panel would not decide on calling members of the president's Cabinet until later in the inquiry, but the committee now seems ready to widen its probe.

A Senate source said the panel might recall CIA Director William J. Casey, who appeared prior to disclosure of the diversion of funds to the contras and who reportedly played down his agency's role in the arms operation.

The committee has been hearing testimony from numerous intelligence officials, including at least one witness yesterday whose identity was shielded from cameras.

Committee members acknowledged yesterday that they have considered taking steps to grant immunity to witnesses in order to compel testimony, but Mr. Durenberger said it was unclear "how the immunity process works" in such cases.

Sen. William S. Cohen, R-Maine, said that immunity was being considered but "not seriously" and that it would be "premature" to make a decision on immunity yet.

Mr. Hollings raised the issue of immunity in controversial remarks early in the day, when he suggested that if Colonel North were granted immunity and testified fully, investigators would learn that President Reagan and other top administration officials knew of, and authorized, diversion of funds to the contras at a time when such aid was barred by Congress.

"When Colonel North takes the Fifth Amendment, we can grant him immunity — and if we do, we're going to catch the president," Mr. Hollings said, adding that he thought it was a "charade" for the president to insist he did not know about the diversion of funds. "I think he knew it all," the senator said.

"When it comes to contras, he [the president] is informed; he likes contras . . . he keeps well informed on that score," Mr. Hollings said.

He added that he thought the president should end all the inquiries by simply saying that he authorized the entire operation and then invoke executive privilege on behalf of all his aides who carried out his orders.

Mr. Durenberger angrily declared that Mr. Hollings' remarks appeared to violate committee secrecy rules and said that Mr. Hollings should "decide whether he's going to be a member of this committee and participate in this hearing or get off this committee."

But Mr. Hollings insisted that his remarks were simply his own views and were not based on any deliberations or evidence from the committee. Later in the day a committee aide said there had been a "rapprochement" and tempers cooled.

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